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**From:** Wester, Barbara [wester.barbara@epa.gov]  
**Sent:** 3/22/2016 2:59:31 PM  
**To:** Steinbauer, Gary [steinbauer.gary@epa.gov]  
**CC:** McKim, Krista [mckim.krista@epa.gov]  
**Subject:** FW: Comments on MPCA Draft 401 Certification for U.S. Steel Corporation Dark River Seepage Collection System  
**Attachments:** WaterLegacyCommentMinntacSeepageCollection401CertComment(3-21-16).pdf; Ex.1  
WaterLegacyMinntacExpansion401CertComment(1-2-14).pdf; Ex.2  
WaterLegacyMinntacProposedPermitComment(12-19-14).pdf;  
MPCA\_MinntacSeepageCollection401CertificationDraft(3-16-16).pdf

**Flag:** Follow up

fyi

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**From:** Paula Maccabee [mailto:pmaccabee@justchangelaw.com]  
**Sent:** Monday, March 21, 2016 4:14 PM  
**To:** Catherine.Neuschler@state.mn.us  
**Cc:** Hyde, Tinka <hyde.tinka@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>; McKim, Krista <mckim.krista@epa.gov>  
**Subject:** Comments on MPCA Draft 401 Certification for U.S. Steel Corporation Dark River Seepage Collection System

Dear Ms. Neuschler,

Attached with this email, please find WaterLegacy's comments regarding 2014-01247-TJH 401 Certification for U.S. Steel Corporation Dark River Seepage Collection System for the Minntac Tailings waste disposal facility, along with two Exhibits and a copy of MPCA's draft certification letter to which our comments apply.

WaterLegacy opposes Section 401(a)(1) certification as inappropriate given long-term lack of compliance of the Minntac Tailings facility with applicable water quality standards and the failure of the Minnesota Pollution Control Agency (MPCA) to take regulatory action to achieve compliance with water quality standards.

Should MPCA proceed with certification, we propose that the text of the letter be amended to reflect MPCA's commitment to secure full regulatory compliance and to add a requirement to monitor for sulfate, mercury and methylmercury in potentially affected wetlands.

Please feel free to contact me if you have any questions regarding our comments.

Sincerely yours,

Paula Maccabee, Esq.  
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Advocacy Director/Counsel for WaterLegacy

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